

**CITY COUNCIL MINUTES**  
**March 12, 2007**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, March 12, 2007 at 6:00 p.m. with Mayor Robert Snyder presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Council Members Present:** J. M. Holmes, Kevin Hanley, Keith Nesbitt, Bridgett Powers, Bob Snyder,

**Council Members Absent:** None

**Staff Members Present:** City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogio, Administrative Services Director Andy Heath, Airport Manager Jerry Martin, Public Works Director Jack Warren, Transit Analyst Megan Siren, Engineering Division Manager Bernie Schroeder

**AGENDA APPROVAL**

Items 8 and 9 were moved to follow the "Public Comment" section of the agenda.

1. **Agreement with Franchise Tax Board for City Participation in the Local Government Sharing Program (AB63)**

Item moved to follow approval of the Consent Calendar.

2. **Stormwater Management and Discharge Control Ordinance -2<sup>nd</sup> Reading**

Introduce for a second reading **ORDINANCE 07-03** adopting Title V, Section 53, of the Auburn Municipal Code relating to Stormwater Management and Discharge Control.

3. **Timothy Murphy Parcel Map**

By **RESOLUTION 07-31** approve the Timothy Murphy Parcel Map LS 06-1 for recording.

4. **Policy for the Sale of Excess City Right-of-Way and City Owned Parcels and Sale of Excess Right-of-Way**

Staff recommends that the City Council take the following action:

- A. By **RESOLUTION 07-32** rescind Resolution No. 92-18, a policy for the vacation and sale of excess right-of-way along the “ED” route.
- B. By **RESOLUTION 07-33** adopt a citywide policy for the sale of excess City right-of-way and City owned parcels.
- C. By **RESOLUTION 07-34** designate City right-of-way along Pine Street into Category 1 Undevelopable City Properties per policy for the sale of excess City right-of-way and City owned parcels and proceed with the sale of the right-of-way to Steven Cavolt.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar consisting of items 2, 3 and 4.  
**MOTION: Hanley/Nesbitt/Approved 5:0**

1. **Agreement with Franchise Tax Board for City Participation in the Local Government Sharing Program (AB63)**

Council Member Nesbitt stated that he was concerned about the item because there are many people that have home-based businesses that are “basically hobbies.” He said his concern was that they may be making minimal profits or no profits at all, and would have an increase in taxes and licenses. He felt that there should be a tax exemption for those people that make less and \$2000 a year. He asked for an explanation as to how that may be addressed.

Administrative Services Director Andy Heath explained that businesses operated out of a home are not distinguished from other businesses in the City of Auburn by the municipal code. Currently all businesses are “subject to the city’s business tax which is \$27.50 if they make less than \$15,000 per year in annual gross receipts.” He further stated that businesses operated out of the home must also pay a one-time-only fee for their address of \$11.00.

Nesbitt asked if anything could be provided to exempt those who make less than \$1000 or \$2000 per year.

City Attorney Michael Colantuono responded that the issue could be addressed (1) through an ordinance that would provide a minimum or (2) the way in which the ordinance is enforced. He stated that a letter could

be sent out with an explanation of the ordinance and request compliance. The city is actually not going to know who are the small operators and who are the larger operators. He stated that a lot of staff time will not be spent in pursuit of \$27.50.

Council Member Nesbitt stated that he needed assurances on that before he could support the measure. Administrative Services Director Andy Heath said he would bring the item back to the Council before any action is taken beyond letter writing. Nesbitt agreed.

Council Member Hanley stated that it is his belief that the law should be enforced as currently in place. However, he said, "We should look at the policy rationale" at the same time. He would favor a discussion of the policy.

Mayor Snyder asked if the city currently collects social security numbers. Heath answered that the city does not, but that data received from the state does include that information. Snyder asked how that information would be protected. Heath answered that it would be kept confidential. Limited employees work with that data. Mayor Snyder stated that he would like to "see some very stringent rules about the management of that information with severe warnings to employees who are engaged in using it." He requested that Heath report back at a future date as to how that will be accomplished.

Dan Sokol, 1330 Deerwood Place, Auburn, stated that he presumed that all monies collected from business licenses goes into the general fund. Heath answered that was correct. Sokol stated that he would like to see how much could be collected for the \$500 participation amount. He stated that there was nothing in the agenda packet explaining how the monies would be used.

Council Member Holmes asked if the feeling is that there are a number of small businesses in the community that are not licensed. Heath answered that tabulation indicates that there are many unlicensed home businesses in the city. Heath explained that when this program was put into place in the City of San Jose, it generated an enormous amount of leads, amounting to about a twenty percent increase in fees collected.

By **RESOLUTION 07-30** authorize the City Manager or his designee to execute an agreement with the State of California Franchise Tax Board to participate in the 2006 Local Government Sharing Program in an amount not to exceed \$500.00. **MOTION: Holmes/Hanley/Approved 5:0**

5. **Public Comment**

Glenn Tonkin, 125 Placerado, Auburn, President of ACTV, pointed out that this was the first council filming with the new cameras permanently in place. He explained that the picture, the color, and the audio will be much better.

Council Member Holmes commented on his visit to the Cascade Theater in Redding. He explained it to be a larger version of the Auburn State Theater, built by the same company and same architect. He said the restoration of the theater was magnificent. He said that since the restoration of the theater, surrounding business development and activity has greatly expanded. He stated that could be an indication of what will follow with the restoration of Auburn's State Theater.

Council Member Nesbitt stated that ARD has some basketball and Youth Development League activities at Skyridge School over the weekends. Citizens have complained that people are running stop signs and, with children in the neighborhood, it presents a safety problem. He requested that staff explore the issue and see what can be done.

Mayor Snyder expanded on Council Member Holmes' description of the Redding theater. He stated that those who saw it would like to move the Auburn project along.

Mayor Snyder explained that there is an attempt to bring Trader Joe's to the City of Auburn. Therefore, council members were wearing Hawaiian shirts, earlier having posed for newspaper pictures, in an attempt to get Trader Joe's attention. He stated that he is open for suggestions from the public as to how to get Trader Joe's to come to Auburn.

8. **Transportation Funding Strategy**

Celia McAdam, Executive Director of the Placer County Transportation Planning Agency, addressed the Council. She spoke about the transportation infrastructure bonds. She explained how it affects Placer County and how it works with the overall transportation funding strategy. She stated that this is "one-time money." She stated it will bring about \$52,000,000 to Placer County and about \$412,000 directly to the City of Auburn for streets and roads. She further outlined competitive programs for which Placer County is eligible.

Council questions and discussion followed.

9. **Ashley Memorial Dog Park at Railhead Park**

Council Member Nesbitt explained that he and Council Member Hanley requested that this item was brought to the Council. He said he had many

inquiries regarding the dog park over the past several months. He referred to Kathleen Harris' request at the last Council meeting asking the City for support to utilize Railhead Park as a location for the dog park. Therefore a letter was placed in the agenda for Council approval in favor of the Railhead Dog Park. However, he stated that, since that time, there was another proposal to use Ashford Park. The dog owners are very receptive to that proposal. He explained that a revised letter has been drafted for Council approval in support of both locations and asked that the Auburn Recreation District (ARD) move forward with one of the proposals as quickly as possible.

Council Member Hanley stated that the city council is involved because it has an obligation to respond to someone who comes before it requesting action. He also said that the city's Memorandum of Understanding with ARD allows the city to give suggestions as to what the council thinks should be funded within the city. Lastly, he said the Auburn Police Department is the enforcement agency regarding dogs in the parks. So, with all that in mind, it is in the interest of the city to support ARD in its pursuit for a proper location for the dog park. He, therefore, supported the letter.

Laura Pinnick, owner of the Founding Paw of Ashley Memorial Dog Park, Ringo, passed out information regarding both sites. She supported the Ashford Park plan.

Sidney Allenger, 203 Delmonte Way, stated her support for the Ashford Park site for the dog park.

Mary Sutton, future home owner at Coyote Court Outlook, supported both sites.

By **MOTION** agree to send a substitute letter from the Auburn City Council to the Board of Directors of the Auburn Recreation District (ARD) encouraging them to create the Ashley Memorial Dog Park on either the Railhead or Ashford Park sites. **MOTION: Hanley/Holmes/ Approved by Voice**

## **REPORTS**

### **6. Informational Reports from Staff**

#### **Airport Manager's Report**

Airport Manager Jerry Martin provided the Council with written reports on the Airport Timeline Status, Airport Objectives 2007 Timeline, and Airport

Operations. He stated that the East Hangar Project is complete as planned for 2006. The development policy is in progress.

Mayor Snyder asked for clarification. Martin clarified and continued in explanation of the development policy. Snyder asked for expectations as to completion of the developmental project. Martin stated that his goals are 2007, but he has to defer to the project manager for a more exact timeline.

Martin continued with the update on the Airport Master Plan as outlined in his written report. Snyder asked if the plan was complete. Martin answered that it was, but has not been given to the Council for approval. He continued with the Airport Business Park development plan and marketing program. Snyder questioned if annexation of the Denham property is still pending with LAFCO. Martin responded that, after checking with Andy Health, the latest update is that the City and County are in discussions regarding the annexation.

Martin outlined the Terminal/Operations Building as reflected in his written report. Snyder questioned completion dates. Martin advised those dates would be given in his 2007 report. Martin continued with an explanation of airport staffing and equipment. It is his recommendation to create a new position for the airport or work with Public Works with current resources. Staff will discuss the issue and then take it to Council in the budget process. The City Attorney completed the review of the current contract for fueling operations. Martin stated that new leases, except for the airport land lease, were approved by Council in October 2006.

Snyder commented that the completion dates reflected the end of 2006, but are not complete. Martin responded the projected completion dates did not occur due to the ongoing annexation process. Snyder asked what marketing has to do with annexation. Martin explained that "currently we do not have a product that we can deliver." He said that the airport does not have parcels or lots that can be delivered and that there are significant infrastructure decisions to be made. He stated that it is all part of the annexation equation. He said that he has been "placed on hold" by the City Manager. Snyder said, "Somebody still has to explain to me what annexation has to do with leasing a building that we already own." Martin responded that he will be moving forward with the building, but land sites are still on hold. Martin stated that it is difficult to market something when we cannot define what the sites are, when the utilities will be in place or when a hangar can be built. Snyder asked why we would not complete the marketing program based on anticipated annexation. Martin reiterated that there is no defined product or a delivery date.

Martin presented his 2007 objectives. He stated that the East Hangar project is the number one priority and is waiting on the development policy. Martin stated that the objectives are his own and that the City Manager has not previously asked to see them prior to presentation to the Council.

Snyder asked for an explanation of terminal/operations building repairs and upgrades. Martin explained that the property is leaseable, but some of the electrical capacity is marginal and minor repairs and clean-up of the property need to be done, mainly the second and third floor suites.

Martin stated that the fueling contract will expire June 30, 2007. He advised that he will provide a staff analysis and work through the process for consideration during the April and May meetings. He stated that he will bring actual recommendations to the Council during the first or second meeting in June. Snyder asked that the City Manager increase attention to this item.

Martin stated that he has submitted a recommended leasing strategy to the City Manager. He said that once it is approved, he will move forward with the plan. Martin stated that he had the intention of leasing the downstairs floors two years ago, but was asked to put it on hold.

Holmes asked about the 2006 Report regarding repairs and upgrades which stated 90% complete. The 2007 report states that repairs and upgrades will not be completed until October 31, 2007. He asked why there was delay. Martin answered that work at the terminal was placed on hold at the end of November and it is still on hold until the airport is back into a better financial position. He explained that the repairs are not safety or health issues, but things such as finishing landscaping.

Snyder requested information on the pavement management of the airport paving. Snyder referred to a FAA report that reflected the condition of the airport, paving, taxiways, etc. He asked if, like a capital improvement plan, a management plan existed for the airport regarding when certain areas would be paved and how much money would be needed over a given amount of time. Martin answered that it exists in the Capital Improvement Plan. Monies have been requested over the past years for crack seal and work on the taxiways and runways as approved under maintenance. He stated that they have yet to be funded by the FAA. Snyder stated that he is looking to a five to ten year program that would identify what areas in which overlay need to be done over a period of time. Martin stated that there is no program for overlays. He stated that there is a pavement maintenance plan that was developed in 1995, and the last survey of the pavement condition was completed in 2003. Martin said he thinks such a plan would be beneficial and that he would work

with Public Works to develop one. He said he has a less formal one in that he has requested the monies. Snyder asked that Martin include that in his 2007 objectives, give it to the City Manager for review, and redistribute it to Council.

Nesbitt asked if there is anything like a critical path for the projects so that it would be easier for Council to review. Martin answered that he does not have anything in that format at this time, but could develop more of a horizontal time-line. Martin stated that he would provide that at his next quarterly report.

Council Member Powers in reference to the page entitled "Airport Briefing," requested information regarding the decrease in airport based aircraft and why there will not be an Air Fair in 2007. Martin responded that fuel sales took a significant drop when we lost the California Highway Patrol in 2003. Also, there has been a sizeable increase in fuel prices. He stated that airports like Auburn are in a "transitional phase." He stated that many of the long-time airport recreational users are retiring and selling their airplanes. Those planes do not always remain on the airport. He stated that the airport is attracting new people as they relocate to the area but 100% of those people want hangars. Those people are willing to leave their airplanes at other airports where they have a hangar. He stated that whether or not young recreational pilots will replace the retiring pilots in the same numbers is an unknown. He advised that there is now a very aggressive flight school at the airport.

Martin advised that the Air Fair has been exclusively sponsored by the Auburn Aviation Association. The same volunteers have been doing all the work each year and simply seem to be tired. He stated that information he received informally was that the pilots' group in Auburn will be working with the pilots' group in Nevada County this year, and Grass Valley pilots will reciprocate next year with our pilots' group.

#### Public Works Quarterly Projects Report

Public Works Director Jack Warren introduced the item. He provided the Council and the public with a Capital Improvement Work Plan 2006-2007 handout. He outlined the Vintage Oaks Lift Station Project. He explained the Wastewater Treatment Plant Regionalization, a Placer County Project and the Mandated Wastewater Treatment Plant improvement projects. He suggested a City Council Study Session on the rate study before it is presented to the Council for formal action.

Council Member Holmes asked Warren to discuss the Maidu Lift Station issue. Warren advised that the lift station had a major failure. The pumps went down. Standby generators were put into place. He stated that in the



process of installing new pumps and motors, a new access valve was installed. He advised that when this happens again, there will be quicker access to pump around. There will not be as much disturbance as was the situation this time. Everything is now in operation.

Hanley stated that the, approved in concept, EIR/EIS Wastewater Treatment Plan Regionalization reflected a deadline of December 31, 2009. Therefore, he asked why \$100,000 is being spent. Warren answered, "It's just a placeholder." Warren stated that if any of it should be spent, it would be brought back to the Council for approval. Snyder asked for a copy of the Council's policy statement in support of a regional solution. Warren explained that the Council took an action to become a member of the Placer Nevada Wastewater Authority. Incorporated in that action was a statement supporting the regional solution, but it did not commit the city to it.

Warren explained that Highway 49/Borland Ave Modification was grant funded but under budgeted. There are some issues to resolve, but the project should be underway this summer. The High/Oakwood/Agent Signal project is completed with positive feedback from the community. He said the Highway 49 Operational Improvements are under construction and the city's portion of monies due has been paid. He stated the East Lincoln Way Sidewalks and Maidu Sidewalks are ready to go as far as the design work and, hopefully, the construction will be underway this year.

Warren advised that there was money left over from last year for the overlay project. Recommendations are being prepared to include the roads to be overlaid, both by a contractor and possibly by city crews. Hanley asked if there is a plan available for street paving. Warren answered that a guideline is available, but cautioned that each area is verified again every time money is to be spent. Warren stated that he would like to re-do the entire pavement management system. He advised that the base data currently held by the city is at least twenty years old.

Nesbitt asked if a list could be drafted that would show the city streets to be paved in oncoming years. He acknowledged that it could be a "liquid document," allowing for changes that may occur. Warren answered that he is working on that now.

Warren advised that there was a sink hole in the Auburn Journal parking lot due to the collapse of the storm drain that runs underneath the property. Therefore, there needs to be a focus on the Downtown Stormdrain system, which will be a very large and extremely costly project.

Warren outlined the transit CNG Fueling Facility. He stated that Public Works is looking for more outside funding before advertising.

Work has again begun on the Auburn School Park Preserve. He explained that there is no schedule or commitment for the second half of the remaining project. He stated that is a continuing source of discussions and negotiations between the city, the Corps of Engineers, the major contractor and his subcontractor.

Warren gave an update on the Airport East Hangar Project. Mark Machado's contract is in two parts. The first part is an evaluation feasibility review. Secondly, Warren said that in about ninety days Public Works will come back with a report to the Council saying that they will go ahead and complete an RFP for hangar construction. Warren said that the taxiway project was completed last year, but that follow-up is ongoing with some damage after the recent heavy rains.

Warren said the painting of city hall has started.

Holmes asked if there was any plan to put a sidewalk on Maple Street by the old Victorians. Warren and Snyder agreed that it will be completed by the end of the year.

## **7. City Council Committee Reports**

Council Member Holmes announced the upcoming first meeting of the Youth Advisory Committee and the postponement of the Boys & Girls Club Board meeting for March.

Council Member Hanley reported on the Placer County Flood Control District's preliminary budget.

Council Member Nesbitt stated that he will be meeting with representatives of the Performing Arts group. He will get an update on their plan and evaluating what the city can do to help.

Council Member Powers asked that Council mark its calendar for October 20, 2007 for the Endurance Capital of the World's Committee Expo.

## **COUNCIL BUSINESS**

### **8. Transportation Funding Strategy**

Item moved to follow Item 5.

### **9. Ashley Memorial Dog Park at Railhead Park**

Item moved to follow Item 5.

10. **CAP-TO-CAP Trip**

Council Member Holmes referred to the staff report in the agenda packet. He said that because there was no vote on the issue at the previous meeting, he would like the Council to vote this week. He stated that, although we have an elected representative in Washington, D.C., "it is important to meet with his staff and other representatives in Washington who have responsibilities for this community and this area."

Holmes stated that there are three unfunded projects amounting to \$8,000,000, two dealing with the stormwater drainage system and one dealing with parking lots. He also stated that additional funding is needed for the regional wastewater treatment plant in order to bring it closer to Auburn and Colfax. He stated that it was his belief that the city should not simply wait for things to happen. He said it was his belief that face-to-face discussions with decision-makers could move the process along more quickly. He pointed out the four supervisors along with the county executive officer went to Washington, D.C. He stated if the city does not send a representative, Auburn will be the only city in Placer County, with the exception of Colfax, that will not have anyone to speak on the city's behalf.

He advised that past Cap-to-Cap trips have resulted in a number of successes which have benefited the city. Some of those successes were federal funding for the IAD improvements, the Corps of Engineers assisted with the Park Preserve Project, a \$100,000 grant for the Auburn Performing Arts Center and a \$40,000 anonymous donation given to the Boys & Girls Club. He also pointed out the Boys & Girls Club is looking at the possible acquisition of Bureau of Land Management property, which would require the assistance of our elected representatives and its staff in Washington.

Holmes advised that he has had some discussions with John Doolittle's new Chief of Staff Dan Blankenberg. He stated that there is a new group in Washington called SENT, and that he has a meeting with representatives of Senator Boxer's office to discuss some of the current issues. He requested that the Council approve funding up to \$1,000 for the trip and direct staff to prepare position papers that can be presented to the Washington officials.

Snyder asked if the \$40,000 anonymous donation was a result of lobbying. Holmes answered that the donation was a result of someone on the Cap-to-Cap trip.

Dan Sokol, 1330 Deerwood Place, advised that annually some federal funding is given to every city, town and county. Therefore, he stated that a cap-to-cap is not necessary to receive these funds. He said he felt the cap-to-cap is a gimmick by the Sacramento Chamber of Commerce to "enrich its own coffers." He said that he would not like Auburn to contribute to cap-to-cap.

Hanley stated that we have federal representatives in Washington, D.C. that represent the city on its issues. He said that it is his opinion that the purpose of the cap-to-cap is a face-to-face meeting with a specific official when a defined issue of Auburn is not met. He would support cap-to-cap if our congressman felt it would benefit Auburn to send a Council representative. He said that projects referred to at the previous Council meeting have plenty of county representation and the city has excellent cooperation with the Federal EPA. The three projects presented as reason for cap-to-cap representation are not on the Capital Improvement Plan.

Snyder advised that the downtown stormdrain is included in the Capital Improvement Plan.

Hanley stated that we have not communicated with our federal representatives; we have not identified a bill to lobby or a particular official. Regarding the parking lots, the city is only in the beginning process. Hanley said the city should have a process of determining what specific projects should be lobbied to our congressman and define those persons to be contacted. At that time the Council could determine, via a city staff proposal, whether or not cap-to-cap would be justified for that year. Hanley stated that he has voted on cap-to-cap for five years and has not seen "good, specific results."

Council Member Powers stated that she felt communications are essential to a good operating process. She said that the city should participate in regional issues and not only those that affect Auburn. She stated that when we need assistance from our neighbors, they may not be as responsive as we would like them to be. She expressed her support for the cap-to-cap trip. She stated it was her preference to support the mayor as the representative, but would support an alternate if the mayor is not available.

Mayor Snyder stated that he felt we did not need to participate although many people have advised that the trip would be beneficial. He said that since we are not currently doing any lobbying, it does not make sense to say that accomplishments can be made by going to cap-to-cap. He agreed with Hanley to have a real system to identify the issues and the

appropriate action to take regarding those issues. He stated that the groundwork has not been done to justify the expenditure.

Holmes stated that he felt the groundwork was laid in a meeting with himself, the mayor and John Doolittle in January. He said there was still time for city staff to prepare position papers to present to the Washington officials. He stated that John Doolittle's new Chief of Staff encouraged Holmes to talk to him in Washington.

Council Member Nesbitt stated that if staff felt there was a significant issue to take to Washington and Council Member Holmes had a meeting with the senators, he would be more apt to support the cap-to-cap. He said he would be more inclined to change his position if the item could be tabled to see if an actual appointment could be made with one of our senators with specific staff recommendations to be discussed. Otherwise, he felt Congressman Doolittle and his staff are easily accessible.

By **MOTION** approve the expenditure of \$1000 for the Cap-to-Cap trip and direct staff to develop complete position papers on those things that should be addressed in Washington, D. C. **MOTION:**  
**Holmes/Powers/Failed 2:3 (no Hanley, Snyder, Nesbitt)**

## **ADJOURNMENT**

Mayor Snyder adjourned the meeting, without objection, at 8:37 p.m.

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Robert Snyder, Mayor

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Joseph G. R. Labrie, City Clerk

Minutes transcribed by Deputy City Clerk Anne M. Cooley